

Governor's Executive Orders/Proclamations

**EXECUTIVE ORDERS, PROCLAMATIONS OF
GENERAL APPLICABILITY, AND STATEMENTS
ISSUED BY THE GOVERNOR
PURSUANT TO A.R.S. § 41-1013(B)(3)**

The Administrative Procedure Act (APA) requires the full-text publication of all Executive Orders and Proclamations of General Applicability issued by the Governor. In addition, the *Register* shall include each statement filed by the Governor in granting a commutation, pardon or reprieve, or stay or suspension of execution where a sentence of death is imposed. With the exception of egregious errors, content (including spelling, grammar, and punctuation) of these orders has been reproduced as submitted.

DECLARATION OF EMERGENCY

*** NORTHERN GREENLEE COUNTY FLOODING ***

[M11-309]

WHEREAS, on August 24, 2011, a powerful seasonal monsoon rain passed over areas in northern Greenlee County that were severely burned by the Wallow Fire; and

WHEREAS, the heavy rains resulted in significant flooding, erosion, and mud slides which caused significant damage to the primary route of ingress and egress to several residences in the area; and

WHEREAS, the debris and heavy sediment flow damaged several portions of the Blue River Road and have severely restricted accessibility for residents who rely on this route for daily activities, as well as emergency personnel; and

WHEREAS, the damage has eroded several portions of the road and shoulder, with the damage worsening after each subsequent storm; and

WHEREAS, the Greenlee County Board of Supervisors have declared a State of Emergency for their County for the flooding and condition of critical infrastructure; and

WHEREAS, the Governor is authorized to declare an emergency pursuant to A.R.S. § 26-303(D); and

WHEREAS, the Legislature has authorized the expenditure of funds in an event of an emergency pursuant to A.R.S. § 35-192.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and Laws of the State, do hereby determine that the flooding event in northern Greenlee County justifies a declaration of a State of Emergency, pursuant to A.R.S. § 26-303(D), and I do hereby:

- a. Declare that a State of Emergency exists in Greenlee County due to flooding, effective August 24th, 2011; and
- b. Direct that the sum of \$200,000 from the General Fund be made available to the Director of the Arizona Division of Emergency Management to be expended in accordance with A.R.S. § 35-192, A.A.C. R8-2-301 to 321, and Executive Order 79-4; and
- c. Direct that the State of Arizona Emergency Response and Recovery Plan be used to direct and control state and other assets and authorize the Director of the Arizona Division of Emergency Management to coordinate state assets.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

**Janice K. Brewer
GOVERNOR**

DONE at the Capitol in Phoenix on this ninth day of September in the year Two Thousand Eleven, and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

**ATTEST:
Ken Bennett
Secretary of State**

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*** ARIZONA HUNGER ACTION MONTH ***

[M11-317]

WHEREAS, 1.4 million Arizonans, or one in every five, live in poverty and are at-risk for going without food; and

WHEREAS, one in four Arizona children are part of poverty-stricken families and do not know where their next meal will come from; and

WHEREAS, St. Mary's Food Bank Alliance, the world's first food bank and a member of Feeding America, has made its mission and vision to create a hunger-free Arizona and distributed more than 74 million pounds of food across 10 Arizona counties in 2010-11; and

WHEREAS, St. Mary's Food Bank Alliance, its donors and volunteers, work toward a hunger-free Arizona by providing food to more than 400 partner agencies around the state through multiple programs, meeting the needs of the hundreds of thousands of Arizonans who seek assistance for themselves and their families; and

WHEREAS, due to the economic conditions and continuing unemployment and underemployment, St. Mary's Food Bank Alliance's distribution of food to the hungry has nearly doubled since 2008.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim the month of September 2011 as

*** ARIZONA HUNGER ACTION MONTH ***

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix on this first day of September in the year Two Thousand Eleven, and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

ATTEST:
Ken Bennett
Secretary of State

*** CHARACTER COUNTS! WEEK ***

[M11-322]

WHEREAS, young people will be the stewards of our communities, nation and world in critical times, and the present and future well-being of our society requires an involved, caring citizenry with good character; and

WHEREAS, more than ever, children need strong guidance from their families and their communities, including schools, youth organizations, faith-based organizations and civic groups; and

WHEREAS, the character of a nation is only as strong as the character of its individual citizens, and the public good benefits when young people learn that good character counts in personal relationships, in school and in the workplace; and

WHEREAS, scholars and educators agree that people do not automatically develop good character and, therefore, conscientious efforts must be made by youth-influencing institutions and individuals to help young people develop the essential traits and characteristics that comprise good character; and

WHEREAS, character development is, first and foremost, an obligation of families, though efforts by faith communities, schools, and youth, civic and human service organizations also play a very important role in supporting family efforts by fostering and promoting good character; and

WHEREAS, CHARACTER COUNTS! Week was developed to promote the teaching of the "Six Pillars of Character" - trustworthiness, respect, responsibility, fairness, caring and citizenship - to today's youth.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim October 16-22, 2011 as

*** CHARACTER COUNTS! WEEK ***

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IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix on this ninth day of September in the year Two Thousand Eleven, and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

ATTEST:
Ken Bennett
Secretary of State

*** HERO DOG DAY ***

[M11-316]

WHEREAS, dogs are often referred to as “man’s best friend,” which is a genuine reflection of the human-canine bond; and

WHEREAS, dogs excel in their service to humans and are capable of working in various capacities; and

WHEREAS, search-and-rescue dogs have served alongside America’s human heroes and first-responders who rely on law enforcement dogs, arson detection dogs, and military dogs to save human lives while risking their own with loyalty and courage; and

WHEREAS, service dogs are trained to help the blind, the hearing impaired, disabled, or people needing alerts to other medical conditions that could create medical emergencies, and have worked tirelessly and obediently, devoting their lives to the safety and well-being of their owners; and

WHEREAS, in addition to their companionship and loyalty, some of America’s pet dogs, though untrained in special skills, have performed extraordinary acts of kindness, comfort, or service and uplifting the spirits of those in need, including comforting children hospitalized with cancer, the elderly in nursing homes, and veterans suffering PTSD; and

WHEREAS, on October 1, 2011, the American Humane Association will host the American Humane Association Hero Dog Awards™, a gala that will honor dogs that have been nominated as heroes throughout the nation.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim October 1, 2011 as

*** HERO DOG DAY ***

and encourage all Arizona citizens to pay tribute to the contributions made by America’s dogs and to honor the human-animal bond that creates a more caring, compassionate society.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix on this ninth day of September in the year Two Thousand Eleven, and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

ATTEST:
Ken Bennett
Secretary of State

*** KOBALT TOOLS 500 RACE WEEK ***

[M11-319]

WHEREAS, Phoenix International Raceway (PIR) will unveil its reconfigured and repaved 1-mile racing surface on November 10-13, 2011 as part of its traditional fall NASCAR weekend; and

WHEREAS, hundreds of thousands of guests will attend NASCAR events during the fall race weekend at Phoenix International Raceway, and millions of television viewers will tune in from across the country to take in views of Arizona’s sun-

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splashed landscape and dramatic racing action from PIR; and

WHEREAS, legends in the sport of NASCAR have visited Victory Lane at PIR with wins in past November races, including Dale Earnhardt, Dale Earnhardt Jr., Rusty Wallace, Tony Stewart, Jimmie Johnson; and

WHEREAS, Phoenix International Raceway is the only NASCAR facility in the Western United States to host two NASCAR Sprint Cup Series race weekends annually; and

WHEREAS, with its two annual NASCAR weekends, PIR generates more than \$400 million in economic impact for the State of Arizona; and

WHEREAS, NASCAR will put the spotlight on Arizona during its Chase for the NASCAR Sprint Cup, culminating the Western portion of its schedule on national television with the Kobalt Tools 500 on November 13, 2011 – just one week before the sport crowns its champion.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim November 7-13, 2011 as

*** KOBALT TOOLS 500 RACE WEEK ***

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix on this ninth day of September in the year Two Thousand Eleven, and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

ATTEST:
Ken Bennett
Secretary of State

*** LIFE INSURANCE AWARENESS MONTH ***

[M11-318]

WHEREAS, life insurance owned by individuals and businesses provides much needed income to spouses and families who have lost loved ones whose income they relied upon for sustenance and economic well-being; and

WHEREAS, life insurance tools such as wealth transfer, estate tax equity and estate planning help provide economic stability and security for families throughout our great State; and

WHEREAS, according to the LIMRA study, nearly 95 million Americans lack life insurance coverage and that widows and widowers had to make difficult financial adjustments after loved ones died, including having to work additional jobs or longer hours, borrow money from friends and family, withdraw money from savings and investment accounts, or move to smaller, less expensive housing; and

WHEREAS, the Life and Health Insurance Foundation for Educate (LIFE), the National Association of Insurance and Financial Advisors (NAIFA), and a coalition representing hundreds of leading life insurance companies and organizations have designated September as "Life Insurance Awareness Month" with the goal to make consumers more aware of their life insurance needs, encourage them to seek professional advice, and take the actions necessary to achieve the financial security of their loved ones.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim September 2011 as

*** LIFE INSURANCE AWARENESS MONTH ***

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Janice K. Brewer
G O V E R N O R

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DONE at the Capitol in Phoenix on this ninth day of September in the year Two Thousand Eleven, and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

ATTEST:
Ken Bennett
Secretary of State

*** OPERATION WOUNDED WARRIOR WEEKEND ***

[M11-321]

WHEREAS, American Legion, Post 129 in Queen Creek, Arizona, is the official home of Operation Wounded Warrior; and

WHEREAS, Operation Wounded Warrior started in 2005, with a call for help from Balboa Naval Hospital for health and comfort items for wounded servicemen and women; and

WHEREAS, every year, Queen Creek-area seniors make hand crafted items for returning wounded service members; and

WHEREAS, this year the American Legion Riders will be delivering handmade items and health and comfort items that have been collected from Arizona and California, to the wounded servicemen and women now at Balboa Naval Hospital in California.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim October 6-9, 2011 as

*** OPERATION WOUNDED WARRIOR WEEKEND ***

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix on this ninth day of September in the year Two Thousand Eleven, and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

ATTEST:
Ken Bennett
Secretary of State

*** YOUTH FOR HUMAN RIGHTS DAY ***

[M11-320]

WHEREAS, the State of Arizona is home to youth of every cultural, ethnic and religious background living side by side in neighborhoods and communities; and

WHEREAS, understanding of human rights promotes mutual respect and tolerance, and instills in young people an enhanced sense of their own rights and those of their peers regardless of race, color, creed, religious differences or disability; and

WHEREAS, it is imperative that our sons and daughters be advocates for human rights and that they understand the vital role that education plays in preserving those rights; and

WHEREAS, these Arizona youth who have learned about human rights are now leading others by example in applying those rights, thereby helping to bring about a better world for all; and

WHEREAS, the purpose of the Youth for Human Rights International is to teach youth about human rights, and inspire them to become advocates for peace and tolerance.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim October 1, 2011 as

*** YOUTH FOR HUMAN RIGHTS DAY ***

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

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G O V E R N O R

DONE at the Capitol in Phoenix on this ninth day of September in the year Two Thousand Eleven, and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

ATTEST:
Ken Bennett
Secretary of State

*** 2012 PRESIDENTIAL PREFERENCE ELECTION ***

[M11-315]

WHEREAS, 2012 is a presidential election year in the United States of America;

WHEREAS, Arizona is at the forefront of reviving federalism and advancing solutions to national issues such as illegal immigration and border security, Medicaid spending and the fiscal crisis facing governments throughout the country; and

WHEREAS, pursuant to Arizona Revised Statute § 16-241(A) and (B), Arizona's presidential preference election is to be held on the fourth Tuesday in February of a presidential election year, unless the Governor decides to hold the presidential preference election on an earlier date.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, by virtue of the authority vested in me by the Arizona Constitution and laws of the State of Arizona, do hereby proclaim and order that Arizona's 2012 Presidential Preference election shall remain on the fourth Tuesday in February and be held on February 28, 2012.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix on this 12th day of September in the year Two Thousand Eleven, and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

ATTEST:
Ken Bennett
Secretary of State

*** A DAY OF COMMEMORATION IN THE UNVEILING OF
THE UNITED STATES POSTAL SERVICE ARIZONA STATEHOOD STAMP ***

[M11-314]

WHEREAS, Arizona entered the Union on February 14, 1912 upon proclamation of President William Howard Taft, becoming the 48th State and the last of the contiguous States; and

WHEREAS, the citizens of Arizona are pleased to join in commemorating historic milestones of our beloved State; and

WHEREAS, the United States Postal Service has created an official Arizona Statehood Commemorative Postage Stamp honoring Arizona and celebrating its 100th year of Statehood; and

WHEREAS, the Arizona Statehood Commemorative Postage Stamp is an original work of art created by an Arizona artist born and raised; and

WHEREAS, this majestic work of art shows the spectacular beauty of our State and the abundance of blessings Arizonans are fortunate to enjoy; and

WHEREAS, Arizonans are gathered today on the steps of the Yavapai County Courthouse in the territorial Capital of Prescott to celebrate our State and unveil to this important work of art.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby designate September 16, 2011 as

*** A DAY OF COMMEMORATION IN THE UNVEILING OF
THE UNITED STATES POSTAL SERVICE ARIZONA STATEHOOD STAMP ***

and urge all Arizona citizens to consider and appreciate that we live in a blessed land with an abundance of natural resources that allowed for settlement and the development of our State.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix on this thirteenth day of September in the year Two Thousand Eleven, and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

ATTEST:
Ken Bennett
Secretary of State

EXECUTIVE ORDER 2011-05

State Regulatory Rule Making Review and Moratorium To Promote Job Creation and Retention

Editor's Note: This Executive Order is being reproduced in each issue of the Administrative Register until its expiration on June 30, 2012 as a notice to the public regarding state agencies' rulemaking activities.

[M11-234]

WHEREAS, my first official action as Governor was to institute a regulatory rule making review and moratorium process ("regulatory review and moratorium") in order to prevent additional and unnecessary burdens on our private sector employers and political subdivisions; and

WHEREAS, other states have since implemented regulatory reviews and moratoriums; and

WHEREAS, the economic climate in Arizona continues to challenge both those seeking employment and our employers, who are the key to increasing job opportunities in this State; and

WHEREAS, a predictable regulatory climate in this State will promote job creation and retention; and

WHEREAS, the Legislature enacted the regulatory review and moratorium for fiscal year 2009 - 2010 by passing House Bill 2008 in the 2009 Third Special Session; and

WHEREAS, the Legislature continued the regulatory review and moratorium for fiscal year 2010 - 2011 by passing House Bill 2260 in the 2010 Second Regular Session; and

WHEREAS, the current regulatory review and moratorium expires on June 30, 2011; and

WHEREAS, the expiration of the current regulatory review and moratorium could result in a regulatory explosion detrimental to job creation and retention in this State; and

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and laws of this State, hereby declare that for fiscal year 2011-2012 ending June 30, 2012, the following:

1. A state agency, subject to this Order pursuant to Paragraph 4, shall not conduct any rule making except as permitted by this Order. The objective of this Order is eliminate any unnecessary increased monetary or regulatory costs on employers, persons, individuals, other state agencies, or political subdivisions of this State. This prohibition includes any informal rule making prior to the commencement of the formal rule making process.
2. Paragraph 1 does not apply to state agency rule making for any one or more of the following reasons:
 - a. To fulfill an objective related to job creation in this State.
 - b. To lessen or ease a regulatory burden while achieving the same regulatory objective.
 - c. To prevent a significant threat to the public health, peace or safety.
 - d. To avoid a violation of a court order or federal law that would result in sanctions by a court or federal government against an agency for failure to conduct the rule making action.
 - e. To comply with a federal statutory or regulatory requirement or a state statutory requirement if the applicable

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- statute or regulation contains a date certain for compliance on or before December 31, 2012 or is necessary under subparagraph (c) of this Paragraph.
- f. To fulfill an obligation related to fees or any other action necessary to implement the state budget that is certified by the Governor's Office of Strategic Planning and Budgeting.
 - g. To promulgate a rule or other item that is exempt from title 41, chapter 6, Arizona Revised Statutes, pursuant to section 41-1005, Arizona Revised Statutes.
 - h. To address matters pertaining to the control, mitigation or eradication of waste, fraud or abuse within a state agency or wasteful, fraudulent or abusive activities perpetrated against a state agency.
3. A state agency, subject to this Order pursuant to Paragraph 4, shall not conduct any informal or formal rule making pursuant to Paragraph 2 or otherwise without the prior written approval of the Office of the Governor.
 4. This Order applies to all state agencies, except for: (a) any state agency that is headed by a single elected state official, (b) the corporation commission, or (c) any state agency whose agency head is not appointed by the Governor.
 5. All state officials and state agencies that are not subject to this Order pursuant to Paragraph 4 are encouraged to participate voluntarily within the context of their own rule making processes.
 6. State agencies may continue a rule making that was authorized by the Office of the Governor on or after January 22, 2009. All state agencies, subject to this Order pursuant to Paragraph 4, shall report to the Office of Governor by July 29, 2011 all pending rule makings and any pending requests to the Office of Governor for rule making.
 7. This Order does not confer any legal rights upon any persons and shall not be used as a basis for legal challenges to rules, approvals, permits, licenses or other actions or to any inaction of a state agency.
 8. For the purposes of this executive order, "person", "rule" and "rule making" have the same meanings prescribed in section 41-1001, Arizona Revised Statutes.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix, Arizona this 30th day of June in the year Two Thousand Eleven and of the Independence of the United States of America the Two Hundred and Thirty-fifth.

ATTEST:
Ken Bennett
Secretary of State